

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

ENCOMPASS INSURANCE COMPANY OF
MASSACHUSETTS,

Plaintiff/Counterclaim Defendant,

v.

JOSEPH D. GIAMPA, FREDERICK T.
GIAMPA, ADVANCED SPINE CENTERS,
INC. d/b/a FIRST SPINE REHAB, FUTURE
MANAGEMENT CORPORATION, FUTURE
MANAGEMENT BUSINESS TRUST,
EDWARD KENNEDY, BRIAN J. CULLINEY,
D.C., and JENNIFER MCCONNELL, D.C.,

Defendants/Counterclaim Plaintiffs,

CIVIL ACTION NO. 05-11693 RCL

**ASSENTED-TO MOTION TO ENLARGE AND FOR LEAVE TO
FILE A REPLY MEMORANDUM IN SUPPORT OF
PLAINTIFF/COUNTERCLAIM DEFENDANT’S MOTION TO DISMISS**

Plaintiff/Counterclaim Defendant Encompass Insurance Company of Massachusetts (“Encompass”) hereby requests a continuation of the Motion to Dismiss (the “Motion”) hearing presently scheduled for Monday, April 9, 2007. In support of this application, Encompass states as follows:

(1) Encompass’ lead counsel as to the Counterclaims, who will be arguing the Motion, will be in Korea on the date of the hearing and will be unable to attend; and

(2) pursuant to Local Rule 7.1(B)(3), Encompass seeks leave to file a reply memorandum in support of its Motion to Dismiss. A reply is necessary to address legal and factual issues arising from Defendants/Counterclaim Plaintiffs’ Opposition.

Counsel for the parties have conferred and all counsel have assented to this motion.

WHEREFORE, Plaintiff/Counterclaim Defendant Encompass respectfully requests that its assented-to motion to enlarge and for leave to file a reply be granted.

Dated: April 6, 2007

Respectfully submitted,

ENCOMPASS INSURANCE COMPANY OF
MASSACHUSETTS

By its Attorneys,

/s/ Jay B Kesten

Kevin J. Lesinski (BBO # 554140)

Jay B Kesten (BBO # 655634)

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CERTIFICATE OF SERVICE

I, Jay B Kesten, hereby certify that on this 6th day of April, 2007, this **Motion to Enlarge and For Leave to File a Reply Memorandum in Support of Plaintiff/Counterclaim Defendant's Motion to Dismiss** was filed through the CM/ECF and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing.

/s/ Jay B Kesten
Jay B Kesten